

Senate Commerce Committee

Laura Bryant 271-1403

HB 211, relative to inquiries by prospective employers concerning salary history.

Hearing Date: April 11, 2019

Time Opened: 1:01 p.m.

Time Closed: 1:14 p.m.

Members of the Committee Present: Senators Cavanaugh, Morgan, Soucy and Morse

Members of the Committee Absent : Senator French

Bill Analysis: This bill prohibits an employer from requiring a prospective employee to disclose his or her salary history prior to an offer of employment.

Sponsors:

Rep. J. Schmidt

Rep. Klee

Who supports the bill: Rep. Jan Schmidt, Rep Michael Cahill, Jeanne Hruska with NH ACLU, Glenn Brackett with the NH AFL-CIO, Senator Cindy Rosenwald

Who opposes the bill: Aubrey Freedman

Who is neutral on the bill: Lexie Rojas with the NH DOL

Summary of testimony presented:

Lexie Rojas, attorney with NH DOL:

- Rojas said that the department believes they can implement the bill as it's written.
- Rojas stated that if a violation occurs, the bill allows the inspector from the department of labor to inform an employer on how the employer can comply with the law after the first instance.
- She described that if there is still noncompliance following a subsequent inspection and after a hearing, then a penalty will be issued.

Aubrey Freedman:

- Freedman believes this bill is another burden on businesses by restricting them on what they can and can't do.
- Freedman said that employers have a range of what they expect to pay someone for a job and by asking someone how much they use to make it helps an

employer weed people out in the hiring process.

Rep. Jan Schmidt:

- She said that this is a big issue when it comes to wages because women have always been burdened with lower pay than men, and at times are punished in their careers when they choose to pursue having a family.
- She mentioned a male constituent that this issue adversely affected as well, because when he looked for jobs the employers wanted his salary history. She said when he was honest about his previous pay he was offered lower pay than what he should have gotten.
- She concluded that this is a fair chance bill.

Jeanne Hruska with the NH ACLU:

- Hruska said that there are federal laws that prevent employers from making potential employees disclose information that could cause discrimination. For instance, if an employer asks if a woman is pregnant, that could prevent the woman from being employed or promoted.
- Hruska cited the gender wage gap as an issue that needs to be addressed, because despite have similar experience professionally as men, women typically earn less.
- She said by reporting the salary of your former job, you are putting a cap on how much you can earn. She said employers can still ask what people expect to earn, but not what they used to earn.
- She mentioned 10 states who already do this, as well as some companies who have voluntarily stopped asking about salary history.

Senator Morse said that an employer could ask for salary history to make sure they're competing with other companies. Therefore ensuring they hire people at a good rate such as in the case of truck drivers.

Hruska replied in that case an employer can ask how much someone would expect to earn or willing to take, because someone's former salary does not reflect if they'd be willing to take a pay cut or not.

Senator Soucy asked Hruska if she knew of any of the surrounding states in New England that have done this. **Hruska** responded that yes, there is Massachusetts, Connecticut, and Vermont.